

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case Number: 24-47922-tjt

**Heritage Collegiate Apparel, Inc.  
f/k/a M-Den, Inc., d/b/a The M Den.**

Chapter 11

Debtor.

Hon. Thomas J. Tucker

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**UNITED STATES TRUSTEE'S OBJECTION TO DEBTOR'S  
MOTION FOR ENTRY OF AN ORDER (I) ESTABLISHING DEADLINE  
FOR PARTIES TO CLAIM AN OWNERSHIP INTEREST IN THE  
DEBTOR'S ACCOUNTS, SALE PROCEEDS OR OTHER ASSET IN  
DEBTOR'S POSSESSION OR CONTROL, (II) AND SHORTENING THE  
DEADLINE FOR CREDITORS TO FILE PROOFS OF CLAIM**

Andrew R. Vara, United States Trustee, states as follows:

1. The Debtor filed its Chapter 11 case on August 16, 2024.
2. The Debtor filed its Motion for Entry of an Order (I) Establishing Deadline for Parties to Claim an Ownership Interest in the Debtor's Accounts, Sale Proceeds or Other Asset in Debtor's Possession or Control, (II) and Shortening the Deadline for Creditors to File Proofs of Claim (the "Motion") on October 7, 2024 [Doc. No. 161].
3. On August 19, 2024, the Court provided notice that non-governmental creditors had until December 16, 2024, to file proofs of claim (Docket No. 14).

4. The Debtor seeks to limit the time for filing proofs of claim for its own convenience, without considering the impact or prejudice to creditors.

5. The Debtor asserts that it needs to know the universe of claims against the estate before it can file a plan. This is not sufficient cause to shorten the time for creditors to file claims, deviating from a date that was set at the beginning of the case – two months ago.

6. First, altering the proof of claim deadline may lead to unnecessary confusion. Creditors have relied upon the original court notice and should not be expected to track a moving target.

7. Second, the relief sought by Debtor appears to be directed at a finite group of creditors, while the proposed change impacts all creditors unnecessarily.

8. Third, the plan confirmation process is the appropriate mechanism for the Debtor to deal with the issues it raises in its Motion. Specifically, since the Debtor believes certain claims have been paid, then those claims should not be included in any plan distribution. Likewise, those creditors who believe they are not treated appropriately or fairly in a plan may object.

9. Fourth, the potential fallout associated with shortening the claims deadline is protracted litigation, resulting in delayed confirmation and delays in distributions to creditors that are not the target of the Debtor's concern. In other

words, the relief sought by the Debtor highlights the likelihood of pre-confirmation claims litigation, which will prejudice a majority of the creditor body.

10. For the reasons stated above, the Court should not shorten the time to file claims in this case.

**WHEREFORE**, the United States Trustee requests that the Motion be denied.

Respectfully submitted,

**ANDREW R. VARA**  
**UNITED STATES TRUSTEE**  
Regions 3 and 9

By: /s/ Kelley Callard  
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Dated: October 21, 2024

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FOR THE EASTERN DISTRICT OF MICHIGAN  
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In re:

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2024, I electronically filed the documents identified in Paragraph 1 below using the ECF System, which will send notification of such filing to all counsel of record.

1. Documents Served:

*Objection to Debtor's Motion for Entry of an Order (I) Establishing Deadline for Parties to Claim an Ownership Interest in the Debtor's Accounts, Sale Proceeds or Other Asset in Debtor's Possession or Control, (II) and Shortening the Deadline for Creditors to File Proofs of Claim and Certificate of Service*

**ANDREW R. VARA  
UNITED STATES TRUSTEE  
Regions 3 and 9**

By: /s/ Denise M. White  
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Dated: October 21, 2024

